

Serial No. 09/966,036

**REMARKS**

This Response addresses the Office Action mailed on June 16, 2005. Claims 2-5, 7-11, 14-17, 19, 21, and 23-48 are pending in the application.

***Claim Rejections – 35 U.S.C. § 103***

The Examiner has rejected Claims 2-5, 7-11, 14-17, 19, 21, and 23-48 under 35 U.S.C. § 103(a) as being unpatentable over Wu et al. (US 6,656,506). Effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. Section 103 via 35 U.S.C. §102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention, “were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.” *See* MPEP Section 706.02(l)(1). A statement of an attorney of record can be sufficient evidence to establish common ownership. *See* MPEP Section 706.02(l)(2).

As established by the enclosed Statement of Common Ownership, at the time the invention of the current application was made, the inventions of the current application and Wu et al. (U.S. Patent No. 6,656,506) were owned by, or subject to an obligation of assignment to, Advanced Cardiovascular Systems, Inc., a California corporation. Since Applicant has established common ownership, Wu et al. is disqualified as prior art and should be removed as a reference. Applicant therefore respectfully requests the Examiner to allow the claims.

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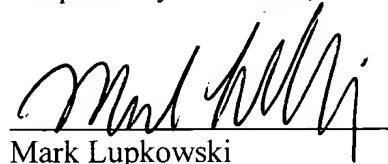
**CONCLUSION**

Claims 2-5, 7-11, 14-17, 19, 21, and 23-48 are pending in this application. Examination and allowance of the claims is respectfully requested. If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned at (415) 954-0297.

Date: October 11, 2005

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark Lupkowski', written over a horizontal line.

Mark Lupkowski  
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